

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES

CIVIL ACTION 3-02-2199

VERSUS

U.S. DISTRICT JUDGE ROBERT G. JAMES

AGING CARE HOME HEALTH, INC.

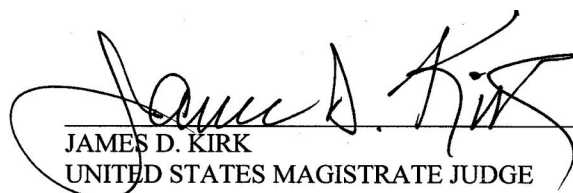
U.S. MAGISTRATE JUDGE JAMES D. KIRK

MEMORANDUM RULING

Before the court is defendants' Rule 56(f) motion for additional time to perform discovery in this case, **Doc. 160**. A hearing on the motion was held on October 5, 2006. Defendants were unable to state specifically what evidence they seek by having additional time. In addition, defendants have failed in their obligation of due diligence in the obtaining of discovery in this case. During the period of time when the case was not stayed because of the bankruptcy proceeding, defendants did not take a single deposition. Meanwhile, the plaintiffs took some ten depositions. Defendants have had an adequate opportunity to obtain affidavit or deposition testimony with which to oppose the motion for summary judgment. Further, defendants have refused to provide the government with discovery. While defendants argue that certain discovery was never provided to them, necessitating their filing of a motion to compel, they failed to even appear at the hearing set on their motion.

Therefore, the Motion is DENIED.

Alexandria, Louisiana, October 6, 2006.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE

